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Plaintiff Zoya Kovalenko

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DEORAS, P.C., AND MARK FAHEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZOYA KOVALENKO,

Plaintiff,

v.

KIRKLAND & ELLIS LLP, MICHAEL DE
VRIES, MICHAEL W. DEVRIES, P.C.,
ADAM ALPER, ADAM R. ALPER, P.C.,
AKSHAY DEORAS, AKSHAY S.
DEORAS, P.C., AND MARK FAHEY,

Defendants.

Case No. 4:22-cv-05990-HSG

**STIPULATED REQUEST FOR ORDER
EXTENDING TIME REGARDING
DEFENDANTS' MOTION TO DISMISS
AMENDED COMPLAINT, DKT. NO.
102, AND ORDER**

[Civil L.R. 6-1(b) & 6-2]

1 Plaintiff Zoya Kovalenko (“Plaintiff”) and Defendants Kirkland & Ellis LLP, Michael De
 2 Vries, Michael W. DeVries, P.C., Adam Alper, Adam R. Alper, P.C., Akshay Deoras, Akshay S.
 3 Deoras, P.C., and Mark Fahey (collectively “Defendants”) (Plaintiff and Defendants together, the
 4 “Parties”) hereby stipulate under Civil Local Rule 6-2(a) to request an order extending time for
 5 Plaintiff to file an opposition to Defendants’ motion to dismiss the amended complaint filed in
 6 this case, Defs.’ Mot. Dismiss, Dkt. No. 102 (the “Motion”), and for Defendants to file a reply.

7 On August 23, 2023, this Court issued its Order Denying in Part and Granting in Part Mots.
 8 Dismiss, Denying Mots. Strike, and Denying in Part and Granting in Part Mot. Seal. Dkt. No. 92
 9 (ruling on Defendants’ motions at Dkt. Nos. 24, 30, 31, 34, 35, 36, 37, 38, 53). On September
 10 20, 2023, Plaintiff timely filed her amended complaint pursuant to the Order. Dkt. No. 94. On
 11 September 26, 2023, at Defendants’ request, the parties stipulated under Civil Local Rule 6-2 to
 12 extend time for Defendants to file an answer to the amended complaint to October 18, 2023.
 13 Stipulation to Enlarge Time to File Answer, Dkt. No. 95 (Sept. 26, 2023). The Court granted the
 14 request for an order pursuant to stipulation. Dkt. No. 96 (Sept. 27, 2023). On October 18, 2023,
 15 Defendants filed the Motion. Dkt. No. 102.

16 The parties hereby stipulate to extend the deadline for Plaintiff to oppose the Motion from
 17 November 1, 2023 to November 22, 2023 and the deadline for Defendants to reply from November
 18 8, 2023 to December 13, 2023.

19 Plaintiff contends the requested extension is warranted because the Motion is a dispositive
 20 motion, and additional time is needed for Plaintiff to review and substantively address each issue
 21 raised by Defendants, and the extension is necessary to avoid significant prejudice to Plaintiff.
 22 Decl. of Zoya Kovalenko in Support of Stipulated Request for Order Extending Time Regarding
 23 Seventh Mot. Dismiss (“Kovalenko Decl.”) ¶ 4 (noting it is Plaintiff’s position that the Motion
 24 raises issues and arguments that Defendants could have but did not raise earlier in their plethora
 25 of motions attacking complaint); *see also* Dkt. Nos. 24, 30, 31, 34, 35, 36, 37, 38 (Defendants’
 26 prior motions attacking complaint). Plaintiff and her retained counsel have identified local
 27 counsel and anticipate filing a notice of appearance and application to appear *pro hac vice* next
 28 week. Kovalenko Decl. ¶ 4. An extension is thus also warranted to allow Plaintiff’s counsel time

1 to appear, to file an application to appear *pro hac vice*, and to prepare an opposition to the Motion.

2 Kovalenko Decl. ¶ 4.

3 The previous time modifications in the case are described below. Kovalenko Decl. ¶ 5.

- 4 a. The parties stipulated under Civil Local Rule 6-2 to request an order specially
5 setting a briefing schedule on Defendants' motions filed in response to the
6 Complaint. Dkt. No. 43 (Dec. 20, 2022). The Court granted the request for an
7 order pursuant to stipulation. Dkt. No. 44 (Dec. 21, 2022).
- 8 b. The parties stipulated under Civil Local Rule 6-2 to request an order extending
9 deadlines regarding initial discovery protocols per General Order No. 71 and
10 modifying the briefing schedule for Kirkland & Ellis LLP's Anti-SLAPP
11 motion. Dkt. No. 59 (Jan. 9, 2023). The Court granted the request for an order
12 pursuant to stipulation. Dkt. No. 61 (Jan. 10, 2023).
- 13 c. The parties stipulated under Civil Local Rule 6-1(a) and Federal Rule of Civil
14 Procedure 29(b) to extend time for Plaintiff to object/respond to Kirkland's first
15 sets of interrogatories and requests for production from September 7, 2023 to
16 October 9, 2023, Dkt. No. 93 (Aug. 30, 2023), and from October 9, 2023 to
17 November 8, 2023, Dkt. No. 100 (Oct. 6, 2023).
- 18 d. The parties stipulated under Civil Local Rule 6-2 to request an order enlarging
19 time for Defendants to file an answer to the amended complaint from October
20 4, 2023 to October 18, 2023. Stipulation to Enlarge Time to File Answer, Dkt.
21 No. 95 (Sept. 26, 2023). The Court granted the request for an order pursuant to
22 stipulation. Dkt. No. 96 (Sept. 27, 2023).

23 The Court has not yet entered a scheduling order in this case. Kovalenko Decl. ¶ 6. Thus,
24 the brief extensions of time requested here would have no effect on any schedule for the case.
25 Kovalenko Decl. ¶ 6.

26 Respectfully submitted this 27th day of October, 2023.

1 /s/ Zoya Kovalenko

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7 Plaintiff

8 ORRICK, HERRINGTON & SUTCLIFFE LLP

9 /s/ Kate Juvinall

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17 Attorneys for Defendants

18 **CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION**

19 Pursuant to Civil Local Rule 5-1(i)(3), I attest that the other signatory has concurred in the
20 filing of this document.

21 Dated: October 27, 2023

22 /s/ Zoya Kovalenko

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28 Plaintiff

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/30/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge